

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Suspension or)
Revocation of the Licenses to Conduct)
Gambling Activities of:)
)
Tuscan Sands,)
Zillah, Washington,)
)
Licensee.)
_____)

No. CR 2009-00931

**NOTICE OF ADMINISTRATIVE
CHARGES AND OPPORTUNITY
FOR ADJUDICATIVE PROCEEDING**

I.

The Washington State Gambling Commission issued Tuscan Sands, organization number 00-21366, the following licenses:

- Number 05-20606, Authorizing Class "A" Punchboard/Pull-Tab Activity, and
- Number 65-07244, Authorizing Class "D" Public Card Room Activity.¹

The licenses expire on September 30, 2009, and were issued subject to the licensee's compliance with state gambling laws and regulations.

II.

David Trujillo, Assistant Director of the Washington State Gambling Commission, charges the licensee with the following violations of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

- 1) In December 2008, the City of Zillah informed Commission staff, in writing, that the licensee had not paid its local gambling taxes. On December 29, 2008, and on April 9, 2009, Commission staff sent the licensee letters, notifying it that failure to pay local gambling taxes could result in the suspension or revocation of its gambling licenses.
- 2) On June 8, 2009, Commission staff received a petition from the City of Zillah which asked for the suspension or revocation of Tuscan Sands' gambling licenses because it had not paid its local gambling taxes.
- 3) The licensee failed to pay required gambling taxes to the City of Zillah since the first quarter of 2008 through the first quarter of 2009, totaling over \$17,434 in delinquent taxes. The licensee's failure to pay local gambling taxes shows willful disregard for local ordinances.

¹ From November 30, 2007, through November 18, 2008, the licensee held license number 67-00268, Authorizing House Banked Card Room Activity. On November 18, 2008, the licensee changed to a Public Card Room Activity license. The licensee has maintained its punchboard/pull-tab license since November 30, 2007.

4) Therefore, grounds exist to suspend or revoke Tuscan Sands' licenses under RCW 9.46.075(1) and WAC 230-03-085(1), (3) and (4).

RCW 9.46.075(1) provides that we may suspend or revoke a license if the licensee has violated the provisions, requirements or duties imposed by Chapter 9.46 RCW or any rule adopted by staff.

WAC 230-03-085 (1), (3), and (4) Denying, suspending, or revoking an license or permit
We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level.

(4) Has failed to pay gambling taxes to local taxing authorities and the local taxing authority has petitioned us to take action.

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Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

In order to have a hearing or discuss settlement options, the enclosed REQUEST FOR HEARING must be COMPLETED AND RETURNED to the Gambling Commission *within 23 days* from the date of the mailing of this notice.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

David Trujillo
David Trujillo, Assistant Director

Michelle M Purdee
NOTARY PUBLIC in and for the State of
Washington residing at: Lacey
My commission expires on June 16, 2013

Michelle N. Parker

